

WEST BOYD UNIFIED SCHOOL DISTRICT

P.O. BOX 139

BUTTE, NEBRASKA 68722

D. Russell Lechtenberg

K-12 Principal

Mr. Ed Peppel AD

Butte Public School

Box 139, 402 Butte Street

402-775-2201/2202, Fax 775-2204/2647

Larry E. Hiatt,

Superintendent

PH. (402) 775-2223/2040

FAX (402) 775-2041

Michael Sanne

7-12 Principal

Donna Benson AD

Spencer-Naper Public School

Box 109, 106th, East Creig St.

402-589-1333, Fax 589-1142

October 13, 2004

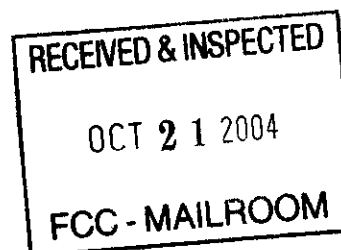
CC Docket Number 02-6

Federal Communications Commission (FCC)

Office of the Secretary

445 12th Street Southwest

Washington DC 20554



To Whom It May Concern:

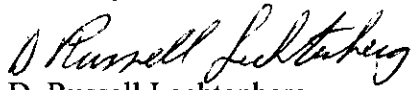
On October 12, 2004 we received notice from Universal Service Administrative Company, School and Libraries Division of the Administrators decisions to deny our appeal concerning Billed entity 208688 Form 471 Application Numbers 429287, and 404501 which we had filed in June of 2004. As I had stated in my June letter of appeal to the USAC School and Libraries Division I had signed the Form 471 on February 1st 2004, however the form **was not postmarked/submitted** prior the 28 day waiting period which would have been the February 4th 2004 date. I am including a copy of the certified mail certificate that verifies that the Form 471 was received on February 6th 2004. I do not understand how the USAC could have had the signed form **postmarked/submitted** prior to February 4th 2004, if they never received it before **February 6th, 2004**. The January 7th date of filing the Form 470 is accurate and so I never appealed that date but, that date should have allowed us to submit the **Form 471 on February 4th, 2004** which I did. I do not believe that a **Form 471 is submitted until it is in the hands of the individuals it is submitted to**. According to the attached certificate **Form 471 was received by Mo Smith, 3833 Greenway Dr., Lawrence Kansas 66046 on February 6th 2006.** (Submitted) I am including copies of:

- My June 6th letter of Appeal
- The letter of denial of the Appeal from The USAC Schools and Libraries Division
- A copy of the certified mail certificate dated February 6th, 2004.

No. of Copies rec'd 0
List ABOVE

I certainly appreciate your time and effort to review our request, and I am hopeful that you find justifiable reason to continue our e-rate funding for the 2004-05 school year.

Sincerely,

A handwritten signature in cursive script, reading "D. Russell Lechtenberg".

D. Russell Lechtenberg
K-12 Principal Butte Public School

*filed
6-14-04
8:40 am*

Butte Public School
West Boyd Unified School District
PO Box 139, Butte, NE 68722
402-775-2201
Fax 402-775-2204

Russell Lechtenberg, Principal

June 10, 2004

To Whom It May Concern:

I would like to appeal the decisions made regarding Funding Commitment Decision Letter received on June 8th, 2004 for 471 applications 429287 and 404501, billed entity number 208688 for Butte High School.

The decision and the language used to explain the denial is as follows: The Form 471 application was signed and/or submitted prior to the expiration of the 28 day waiting period from the day of the posting of the form 470 to the SLD Web site.

In an attempt to meet the 28 day deadline set forth by the SLD the application was misdated, the application should have been dated February 4th, 2004, the applications were submitted on February 4th via online and the signature page was mailed on the 4th of February. I had printed the signature page prior to February 4th, 2004 so it could be submitted in a timely manner. I mistakenly dated the application the day it was printed rather than the 4th of February when it was signed and mailed.

Thank you for understanding in this matter, please reconsider your decision.

Respectfully Submitted



Russell Lechtenberg
Principal

Form 491
C/O Mrs. [illegible]
3833 Greenwood
Lawrence, Kansas 66046

☐ Certified Mail ☐ Express Mail
☐ Registered Mail ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ G.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7002 2030 0002 2419 9407

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1548

UNITED STATES POSTAL SERVICE



First-class mail
Postage & Fees
USPS
Permit No. 010

• Sender: Please print your name, address, and ZIP+4 in this box •

Butte Public School
PO BOX 139
Butte, NE 68722

01





Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal
Funding Year 2004-2005

October 4, 2004

Russell Lechtenberg
Butte High School
402 Butte Street
Butte, NE 68722

Re: Applicant Name: Butte High School
 Billed Entity Number: 208688
 Form 471 Application Number: 429287
 Funding Request Number(s): 1197055
 Your Correspondence Dated: June 10, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number: 1197055
Decision on Appeal: **Denied in full**
Explanation:

- On appeal, you seek reversal of the SLD's decision to deny the funding request for violating the 28-day competitive bidding requirement. In this case, the Form 471 application was signed and/or submitted prior to the expiration of the 28-day waiting period from the day of the posting of the Form 470 to the SLD Web Site. In support of your request, you state that in an attempt to meet the 28-day deadline, the application was misdated. You state that on February 4, the application was submitted online and the signature page was mailed. However, you admit that you printed the signature page prior to February 4, and mistakenly dated the application the day it was printed. The application should be dated February 4, 2004.
- Upon thorough review of the appeal letter and all relevant documentation, it was determined that the Form 471 application was postmarked/submitted prior to the required 28-day waiting period computed from the date of the posting of the Form 470 to the SLD Web Site. During review of your Form 471, you were contacted and informed that the

If this date is accurate then the 2/6/04 date of receipt on our certified mail certificate must be inaccurate.

Form 471 was signed and/or submitted prior to the Allowable Contract Date (ACD) of the referenced Form 470, which is a violation to the 28-day competitive bidding requirement. You were asked to verify if the referenced Form 470 is the establishing Form 470 for the services on this Form 471. In a fax dated March 30, 2004, you responded that Form 470 Application #197430000495397 was the establishing Form 470. On appeal, you admit that the Form 471 was printed and signed prior to the ACD – February 4, 2004. SLD records indicated that the Form 471 application and signature page was postmarked/submitted on February 1, 2004. You did not show on appeal that SLD made an incorrect decision. Therefore, the appeal is denied.

- You signed and/or submitted your Form 471 prior to the expiration of the 28-day posting period. FCC rules require that except under limited circumstances, all Forms 470 received be posted on the USAC web site for 28 days, and that applicants carefully consider all bids received before selecting a vendor, entering into an agreement or signing a contract, and signing and submitting a Form 471. 47 C.F.R. §§ 54.504, 54.511(a) and (c). FCC rules further require that the Administrator send the applicant a confirmation when the Form 470 has been posted, and inform the applicant of the earliest date upon which they may sign a contract with the vendor it selects. 47 C.F.R. § 54.504(b)(4). These competitive bidding requirements help to ensure that applicants receive the lowest pre-discount price from vendors. See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Order on Reconsideration*, 12 FCC Rcd 10095, p. 10098; FCC 97-246 ¶ 9 (rel. Jul. 10, 1997).
- Your Form 470 (Application Number 197430000495397) was posted on January 7, 2004. In your Form 470 Receipt Notification Letter, SLD notified you that that the earliest date upon which you could sign and submit your Form 471 was February 4, 2004. Consequently, SLD denies your appeal because your application did not comply with the competitive bidding requirement that your Form 470 be posted on the web site for 28 days prior to your signing and/or submitting your Form 471.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the Federal Communications Commission (FCC). For appeals that have been denied in full, partially approved, dismissed, or cancelled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.
Schools and Libraries Division
Universal Service Administrative Company



Universal Service Administrative Company
Schools & Libraries Division

Reference # 21-0093140
1-888-203-8100

Administrator's Decision on Appeal
Funding Year 2004-2005

October 4, 2004

Russell Lechtenberg
Butte Public School
P.O. Box 139
Butte, NE 68722

Re: Applicant Name: Butte High School
 Billed Entity Number: 208688
 Form 471 Application Number: 404501
 Funding Request Number(s): 1190015, 1190070, 1190149
 Your Correspondence Dated: June 10, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1190015, 1190070, 1190149
Decision on Appeal: **Denied in full**
Explanation:

- On appeal, you seek reversal of the SLD's decision to deny the funding requests for violating the 28-day competitive bidding requirement. In this case, the Form 471 application was signed and/or submitted prior to the expiration of the 28-day waiting period from the day of the posting of the Form 470 to the SLD Web Site. In support of your request, you state that in an attempt to meet the 28-day deadline, the application was misdated. You state that on February 4, the application was submitted online and the signature page was mailed. However, you admit that you printed the signature page prior to February 4, and mistakenly dated the application the day it was printed. The application should be dated February 4, 2004.
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- 1-888-225-5322

202-0854 888-203-8100

*If this date
is accurate
then our
certified mail
certificate
must be inaccurate that state 2/6/04*

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If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the Federal Communications Commission (FCC). For appeals that have been denied in full, partially approved, dismissed, or cancelled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company